

UNITED STATES OF AMERICA,) Case No. 18-00038-01-CR-W-GAF
)
 Plaintiff,) Kansas City, Missouri
) February 10, 2020
 v.)
)
 DELEON R. REED,)
)
 Defendant.)
)

APPEARANCES:

For the Plaintiff: Ms. Ashleigh A. Ragner
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1 (Court in Session at 2:05 p.m.)

2 THE COURT: We are here on Case No. 18-00038-01-CR-W-
3 GAF, *United States of America vs. Deleon Reed*. May I please have
4 entry of appearance by the Government?

5 MS. RAGNER: Yes, Your Honor. Ashleigh Ragner on behalf
6 of the United States.

7 THE COURT: Thank you, Ms. Ragner. And for Mr. Reed?

8 MR. BOLOGNA: Good afternoon, Your Honor. Anthony
9 Bologna on behalf of Mr. Reed who appears in person in custody.

10 THE COURT: All right. Thank you, Mr. Bologna. All
11 right. So, we are here for a change of plea in this court. This
12 case comes before me as a Magistrate Judge pursuant to a written
13 consent form that I see that is signed by Mr. Reed and Mr.
14 Bologna. This comes to me before -- under a local rule that
15 allows me to accept felony guilty pleas and then, thereafter, to
16 make a Report and Recommendation to the District Judge. All
17 right. So, the consent form, as I said, was signed today with
18 today's date, August the 24th of 2020. I'll ask you, Mr. Reed,
19 did you sign this document?

20 MR. REED: Uh-huh. Yes.

21 MR. BOLOGNA: Yes, ma'am.

22 MR. REED: Yes, ma'am.

23 THE COURT: Okay. And did you have a chance to go over
24 it with your attorney?

25 MR. REED: Yes, ma'am.

1 THE COURT: Okay. And did he answer any questions that
2 you had regarding this consent form?

3 MR. REED: Yes, ma'am.

4 THE COURT: Okay. And did you knowingly and voluntarily
5 sign this form?

6 MR. REED: Yes, ma'am.

7 THE COURT: Okay. All right. All right. I believe
8 everything is in order. So, I will enter this form -- this
9 consent form into the record. All right. So, I understand that,
10 Mr. Reed, you want to enter a plea of guilty to the Superseding
11 one-count Indictment for being a felon in possession of a
12 firearm. All right. And that Indictment was returned on October
13 the 2nd of 2019, is that correct?

14 MR. REED: Yes, ma'am.

15 THE COURT: Okay. Now, Ms. Ragner, is that correct?

16 MS. RAGNER: Yes, Your Honor.

17 THE COURT: Okay. So, I had a preliminary copy of the
18 Plea Agreement and what I might do, when we get to that point, is
19 to modify by interlineation and put in there "Superseding" so
20 that it's not confused with the initial Indictment. So, we'll
21 get to that in a minute.

22 MS. RAGNER: Thank you, Your Honor. I just recognized
23 that here in court, so I appreciate the Court doing that for us.

24 THE COURT: All right. Is that okay, Mr. Bologna?

25 MR. BOLOGNA: Yes, ma'am.

1 THE COURT: Okay. All right. All right. So, Mr. Reed,
2 I need to place you under oath and I need to ask you some
3 questions under oath. So, I'll ask you -- you don't have to
4 stand up, just raise your right hand and my courtroom deputy will
5 swear you in.

6 DELEON R. REED, DEFENDANT, SWORN

7 THE COURT: All right. Mr. Reed, do you understand that
8 you are now under oath and that if you answer any questions
9 falsely, that you may be later charged or prosecuted for making a
10 false statement and perjury? Do you understand that?

11 MR. REED: Yes, ma'am.

12 THE COURT: All right. All right. So, the first set of
13 questions that I will ask you about are for the Court to
14 determine if you are competent to enter a knowing a plea at this
15 time. So, that's what these questions are geared toward. What
16 is your complete full name for the record?

17 MR. REED: Deleon Reed.

18 THE COURT: It's Deleon?

19 MR. REED: Yes.

20 THE COURT: I want to make sure. Okay. Deleon. And
21 where were you born?

22 MR. REED: February 17th, '93.

23 THE COURT: Here in Kansas City?

24 MR. REED: Yes, ma'am.

25 THE COURT: Okay. So, that makes how old?

1 MR. REED: Twenty-seven.

2 THE COURT: Twenty-seven. All right. And how far did
3 you go in school?

4 MR. REED: To eleventh grade.

5 THE COURT: Did you get your GED?

6 MR. REED: I was on the verge of getting my GED but I
7 ended up getting shot and I tried to go back to school, but it
8 had kicked me out of school for a whole year because I had to
9 recover.

10 THE COURT: Okay. So, eleventh grade. So, with that
11 education you read, write, and understand the English language?

12 MR. REED: Yes, ma'am.

13 THE COURT: You don't have any problems with it at all?

14 MR. REED: No, ma'am.

15 THE COURT: All right. Have you been treated recently
16 for any mental illness or addiction to narcotic drugs of any
17 kind?

18 MR. REED: No, ma'am.

19 THE COURT: Have you recently been under the care of a
20 physician or a psychiatrist?

21 MR. REED: No, ma'am.

22 THE COURT: And are you currently under the influence of
23 any drug, medication, or alcoholic beverage of any kind?

24 MR. REED: No, ma'am.

25 THE COURT: And do you understand what's happening here

1 today?

2 MR. REED: Yes, ma'am.

3 THE COURT: Okay. I'll ask you first, Mr. Bologna, do
4 you have any doubt as to Mr. Reed's competency to plead at this
5 time?

6 MR. BOLOGNA: I do not.

7 THE COURT: Okay. And, Ms. Ragner, do you?

8 MS. RAGNER: No, Your Honor.

9 THE COURT: All right. Based upon Mr. Reed's answers to
10 my questions and also from defense counsel, their input, the
11 Court does find that Mr. Reed is competent to understand the
12 proceedings here today and enter a knowing plea. All right. So,
13 these next set of questions, Mr. Reed, are regarding your
14 satisfaction with your attorney. Have you had an ample
15 opportunity to talk to your attorney about this case?

16 MR. REED: Yes, ma'am.

17 THE COURT: And are you fully satisfied with his
18 counsel, representation, and advice on this case?

19 MR. REED: Yes, ma'am.

20 THE COURT: Okay. And did your attorney answer any
21 questions that you had?

22 MR. REED: Yes, ma'am.

23 THE COURT: Okay. And you're satisfied with those
24 answers?

25 MR. REED: Yes, ma'am.

1 THE COURT: All right. All right. So, next I need to
2 advise you of rights that you are waiving by pleading guilty,
3 because under the Constitution and the laws of the United States,
4 you have the absolute right to a trial by jury and for a jury to
5 find you guilty beyond a reasonable doubt. Do you understand
6 that?

7 MR. REED: Yes, ma'am.

8 THE COURT: Okay. And, of course, no one can force you
9 to plead guilty, the Court, your attorney, law enforcement, no
10 one can force you to plead guilty and waive those rights. Do you
11 understand that?

12 MR. REED: Yes, ma'am.

13 THE COURT: All right. So, by pleading guilty you are
14 waiving your right to be presumed innocent until your guilt is
15 established beyond a reasonable doubt at trial because there will
16 not be a trial. Do you understand that?

17 MR. REED: Yes, ma'am.

18 THE COURT: Okay. And also you're waiving your right to
19 be represented at trial by counsel since we won't have a trial.
20 Do you understand that?

21 MR. REED: Yes, ma'am.

22 THE COURT: All right. And also you're waiving your
23 right to confront and cross-examine witness that the Government
24 would call. You're waiving your right to testify and present
25 evidence, and you're waiving your right to call witnesses on your

1 own behalf at a trial because since we will not have a trial. Do
2 you understand that?

3 MR. REED: Yes, ma'am.

4 THE COURT: Okay. So, with all these rights that I was
5 talking about that you're waiving, do you understand all of those
6 rights?

7 MR. REED: Yes, ma'am.

8 THE COURT: Okay. And have you discussed your rights
9 with your attorney?

10 MR. REED: Yes, ma'am.

11 THE COURT: And after discussing those with your
12 attorney, do you still wish to plead guilty?

13 MR. REED: Yes, ma'am.

14 THE COURT: All right. All right. Do you have a copy
15 of that Indictment in front of you?

16 MR. REED: Yes, ma'am.

17 THE COURT: All right. That's the -- I stated on the
18 record it's the Superseding Indictment that was filed on October
19 2nd, 2019, here in the Western District of Missouri. And have
20 you fully discussed these charges and the case in general with
21 your attorney?

22 MR. REED: Yes, ma'am.

23 THE COURT: Okay. All right. I am going to --
24 (clearing throat) excuse me -- ask the Government, Ms. Ragner, to
25 just go over the essential elements of the offense that Mr. Reed

1 is charged with, and also provide the possible punishment for
2 that charge.

3 MS. RAGNER: Yes, Your Honor. The defendant is charged
4 in this one-count Superseding Indictment with being a felon in
5 possession of a firearm, in violation of 18 United States Code
6 Sections 922(g)(1) and 924(a)(2). That carries a range of
7 punishment of not more than ten years in prison, not more than a
8 \$250,000 fine, not more than three years supervised release, and
9 a \$100 mandatory special assessment upon conviction. It is a
10 Class C felony. The essential elements that the Government would
11 have to prove if we proceeded to trial was that on or about the
12 date of January 24, 2018, that in this jurisdiction, the Western
13 District of Missouri, that the defendant, knowing he had been
14 convicted of a crime punishable by imprisonment for a term
15 exceeding one year, that he did knowingly possess a firearm.
16 Specifically, the Government has alleged he possessed a Glock,
17 Model 23, .40 caliber pistol bearing Serial Number MAE063 on the
18 slide and barrel of the firearm, and the Serial Number WSW151 on
19 the pistol frame itself. And that the Government would have to
20 prove that that firearm had been shipped and transported in
21 interstate commerce. And again, that's contrary to the
22 provisions of Title 18, United States Code, Sections 922(g)(1)
23 and 924(a)(2).

24 THE COURT: All right. Thank you. (Clearing throat).
25 Excuse me. Mr. Reed, do you understand the elements of the

1 charge in the Indictment?

2 MR. REED: Yes, ma'am.

3 THE COURT: All right. And also do you understand the
4 maximum penalties that are associated with that charge?

5 MR. REED: Yes, ma'am.

6 THE COURT: And also when Ms. Ragner was talking about
7 the penalties, there was a mention of the special -- of the
8 special assessment. And do you understand that that is something
9 that must be assessed against you? Every federal felony case has
10 that \$100 mandatory special assessment for each count. Do you
11 understand that?

12 MR. REED: Yes, ma'am.

13 THE COURT: Okay. And also there was a mention of the
14 term of supervised release which is not more than three years.
15 And do you understand that if you violate the conditions of your
16 supervised release, that you can go back to prison for that
17 without any credit for time that you'd spent on supervised
18 release? And then the Court can also impose an additional term
19 of supervised release thereafter. Do you understand that?

20 MR. REED: Yes, ma'am.

21 THE COURT: All right. All right. So, I have -- I
22 think we've come to the point -- I have the Plea Agreement, and
23 it consists of 14 pages. And on the 14th page there are the
24 signatures of the Government with Ms. Ashleigh Ragner, the
25 Assistant U.S. Attorney, your signature, Mr. Reed, and also the

1 signature of your attorney, Mr. Bologna. I don't know if you can
2 see from here, I'm sure you have a copy in front of you, but did
3 you sign this document?

4 MR. REED: Yes, ma'am.

5 THE COURT: All right. And you signed the document
6 after talking with your attorney about the terms of the Plea
7 Agreement, is that correct?

8 MR. REED: Yes, ma'am.

9 THE COURT: All right. And did you go over the entire
10 Plea Agreement with your attorney?

11 MR. REED: Yes, ma'am.

12 THE COURT: All right. All right. So, I will ask Ms.
13 Ragner, she's going to go over the -- some of the highlights or
14 essential parts of the Plea Agreement at this time, Mr. Reed.
15 And I want you to follow along. The Court may have some other
16 areas that I want to emphasize to you, but, of course, every
17 paragraph of this Plea Agreement is applicable. We want to make
18 sure that you understand all the terms. Do you understand that?

19 MR. REED: Yes, ma'am.

20 THE COURT: Okay. Ms. Ragner.

21 MS. RAGNER: Yes. Thank you, Your Honor. The
22 Government would like to point out that, again, all of these
23 paragraphs are important, but in Paragraph 10, which is found on
24 page 6, that the parties have agreed to a Base Offense Level of
25 22. However, there may be other enhancements that apply and both

1 parties under this agreement reserve their right to advocate for
2 or against any enhancements under the Sentencing Guidelines at
3 the time of sentencing. The Government would also like to point
4 out that under Paragraph 10 that this -- the parties' agreements
5 in regard to the Base Offense Level or any enhancement, that's
6 not binding upon the court at the time of sentencing, that this
7 Plea Agreement is only between the defendant and the United
8 States. And at sentencing, the court will be the ultimate
9 decider of what the final guideline range should be under the
10 Sentencing Guidelines, and then also what sentence is appropriate
11 in light of the guidelines and the sentencing statutes. Then,
12 Paragraph 15, which is found on pages 9 and 10 of the Plea
13 Agreement, the Government would point out that under this Plea
14 Agreement the defendant is waiving certain appellate and post-
15 conviction rights. In Paragraph 15(a), the defendant is
16 acknowledging that he's waiving his ability to appeal or
17 collaterally attack his finding of guilt following this court's
18 acceptance of that plea, except on two grounds, which is
19 ineffective assistance of counsel or prosecutorial misconduct.
20 In 15(b), the defendant is expressly waiving his right to appeal
21 any sentence, directly or collaterally, except three specific
22 instances where he may appeal, and that is, if he received
23 ineffective assistance of counsel, there was prosecutorial
24 misconduct, or the court imposes an illegal sentence. An illegal
25 sentence is not a sentence that the defendant finds unfavorable,

1 but one that is illegal or outside of the statutory maximum
2 available to the court. And, Your Honor, I believe those are all
3 the ones that I had marked to go over with the defendant.

4 THE COURT: All right. And I think what we'll do at
5 this time on page 2 of that Plea Agreement, I think everyone has
6 what we call an original copy. But I'm going to hand this to
7 you, Ms. Ragner. If you want to add the word "Superseding"
8 before Count One on -- in Paragraph 2, and do it on each of the
9 Plea Agreements and then have everyone, you, defense counsel, and
10 Mr. Reed will need to initial that.

11 MS. RAGNER: Okay.

12 THE COURT: And that'll be amended via interlineation.

13 (Off Record Talking)

14 MR. BOLOGNA: If I may approach, Judge?

15 THE COURT: Yes. Okay. Thank you.

16 (Off Record Talking)

17 THE COURT: Okay. Let me get this back. It's in one
18 other place on -- in Paragraph 5, it just says "Count One of the
19 Indictment." So, if you want to do that one. Sorry. I just
20 want to make sure the record is really clear so we don't have any
21 problems later on.

22 MS. RAGNER: I apologize, Your Honor.

23 THE COURT: That's okay.

24 (Off Record Talking)

25 THE COURT: All right. So, I'll just note for the

1 record that on page 2 in Paragraph 2 and also on page 3,
2 Paragraph 5, the word "Superseding" has been included before the
3 word "Indictment" in talking about the Indictment that Mr. Reed
4 is pleading guilty to. All parties, the Government, defense
5 counsel, and Mr. Reed have initialed in both places in this Plea
6 Agreement. All right. So, I just want to go over a few more of
7 the paragraphs in the Plea Agreement, Mr. Reed. So, if you look
8 in Paragraph 3 on page 2, talking about the Factual Basis for the
9 Guilty Plea, in that paragraph it says that the parties agree
10 that the facts constituting the offense to which you, Mr. Reed,
11 are pleading guilty to are listed in Paragraph 3. Do you
12 understand that?

13 MR. REED: Yes, ma'am.

14 THE COURT: And have you read that paragraph?

15 MR. REED: Yes, ma'am.

16 THE COURT: And do you agree with that paragraph?

17 MR. REED: Yes, ma'am.

18 THE COURT: All right. On page 3 on Paragraph 4, it
19 says that the defendant acknowledges and understands and agrees
20 that the admissions contained in Paragraph 3, which we just
21 talked about, and other portions of the Plea Agreement, will be
22 used for the purpose of determining your guilt and the guideline
23 range and the calculations. Do you understand that?

24 MR. REED: Yes, ma'am.

25 THE COURT: And do you agree with that?

1 MR. REED: Yes, ma'am.

2 THE COURT: All right. All right. In Paragraph 6 on
3 that same page, page 3 and (a) at the -- and I know you
4 understand this, that the guidelines are advisory, meaning that
5 it's just a guide for the District Court to use. And that the
6 court may impose a sentence either less than or greater than the
7 defendant's applicable guideline range unless the sentence
8 imposed is unreasonable. Do you understand that?

9 MR. REED: Yes, ma'am.

10 THE COURT: All right. And you also understand that the
11 court will determine the applicable guideline range at the time
12 of sentencing. Do you understand that?

13 MR. REED: Yes, ma'am.

14 THE COURT: Okay. On the next page, page 4,
15 subparagraph -- it's 6(d). I think we've already talked about
16 this, but if you -- it talks about if you violate the conditions
17 of your supervised release that the court may revoke your
18 supervised release and impose an additional period of
19 imprisonment of up to two years without credit for any time
20 previously spent on supervised release. Do you understand that?

21 MR. REED: Yes, ma'am.

22 THE COURT: All right. All right. And (h),
23 subparagraph (h) on that same page, it's talking about that you
24 may not withdraw your guilty plea solely because of the length of
25 the sentence the court imposes. Do you understand that?

1 MR. REED: Yes, ma'am.

2 THE COURT: Okay. So, just because you don't agree with
3 the sentence that the District Court imposes, you won't be
4 allowed to withdraw your guilty plea. Do you understand that?

5 MR. REED: Yes, ma'am.

6 THE COURT: Okay. In Paragraph 7, it's talking about
7 the Government agrees not to bring any additional charges against
8 you for any federal criminal offenses related to felon in
9 possession of a firearm for which it has venue and which arose
10 out of your conduct on January the 24th of 2018. Do you
11 understand that?

12 MR. REED: Yes, ma'am.

13 THE COURT: Okay. Going to page 5, Paragraph 8. In
14 there it's talking about that the Government may respond to
15 comments or positions taken by you or your counsel and they may
16 correct any misstatements or inaccuracies. Do you understand
17 that?

18 MR. REED: Yes, ma'am.

19 THE COURT: Okay. All right. Let's go to page 7. And
20 that's really part of Paragraph 10, looking at 10(i) on page 7.
21 And that's talking about that the Government agrees not to seek
22 an upward departure from the guidelines or a sentence outside the
23 guideline range, and that the defendant agrees to not seek a
24 downward departure from the guidelines or a sentence outside of
25 the guideline range. Do you understand that?

1 MR. REED: Yes, ma'am.

2 THE COURT: Do you agree with that?

3 MR. REED: Yes, ma'am.

4 THE COURT: Okay. And in (j), it's talking about that
5 you consent to judicial fact-finding by a preponderance of the
6 evidence on all issues pertaining to your sentence. Do you
7 understand that?

8 MR. REED: Yes, ma'am.

9 THE COURT: Okay. And also you also agree that the
10 court in findings -- finding of facts relevant to the imposition
11 of a sentence that the court may rely on hearsay or other
12 reliable information. Do you understand that?

13 MR. REED: Yes, ma'am.

14 THE COURT: Ms. Ragner already went over the waiver of
15 appellate rights in Paragraph 15. Let's go to page 12, and this
16 is Paragraph 20. And there you are acknowledging that you have
17 entered into this Plea Agreement freely and voluntarily after
18 receiving effective assistance of counsel and advice. Do you
19 understand that?

20 MR. REED: Yes, ma'am.

21 THE COURT: Do you agree with that?

22 MR. REED: Yes, ma'am.

23 THE COURT: And you also acknowledge that you're
24 satisfied with the assistance that your attorney has provided you
25 and that your attorney has fully advised you of your rights and

1 obligations in connection with this Plea Agreement. Do you
2 understand that?

3 MR. REED: Yes, ma'am.

4 THE COURT: Do you agree with that?

5 MR. REED: Yes, ma'am.

6 THE COURT: Okay. Additionally, that you further
7 acknowledge that there have been no threats or promises other
8 than the promises contained in this Plea Agreement that have
9 induced you to enter a plea of guilty. Do you understand that?

10 MR. REED: Yes, ma'am.

11 THE COURT: And do you agree with that?

12 MR. REED: Yes, ma'am.

13 THE COURT: All right. Just a second. Okay. All
14 right. We may have to add a couple more interlineations.

15 MS. RAGNER: Oh, no. Okay.

16 THE COURT: Sorry.

17 MS. RAGNER: No. I apologize, Your Honor.

18 THE COURT: No. I apologize for that. This will be on
19 the last page, which is the signature page. And that's just a --
20 we just want to make sure, like I said, that everything is clear.
21 Where Mr. -- in the paragraph where Mr. Reed has signed and also
22 in the paragraph where Mr. Bologna has signed it just says
23 "Indictment." And so we may want to add "Superseding Indictment"
24 in both of those places. And then get everyone to initial that
25 again. Okay. We're getting good at this, aren't we? Okay.

1 (Off Record Talking)

2 THE COURT: All right. I think we've gone over
3 everything in the Plea Agreement. I just want to confirm with
4 defense counsel that all formal plea offers by the Government
5 have been conveyed to Mr. Reed, is that correct, Mr. Bologna?

6 MR. BOLOGNA: That is correct. Yes, ma'am.

7 THE COURT: Okay. And do you agree with that, Ms.
8 Ragner?

9 MS. RAGNER: Yes, Your Honor.

10 THE COURT: All right. All right. With all those
11 changes by interlineation, this Court does find that the Plea
12 Agreement is in proper form and direct that it be filed with the
13 -- in the record. I need to tell you, Mr. Reed, that as a
14 convicted felon there are some rights that you lose. And among
15 those rights would be the right to vote, the right to hold public
16 office, the right to serve on a jury, and the right to possess
17 any kind of firearm. Do you understand that?

18 MR. REED: Yes, ma'am.

19 THE COURT: All right. All right. And we've already --
20 I kind of hinted regarding that the guidelines are advisory
21 meaning that, you know, the court will make that final
22 determination as to what sentence is reasonable in this case.
23 And the District Court, what it does, it looks at all of the
24 information and what we call the sentencing factors under 18
25 U.S.C. Section 3553(a), which is talking about the need to deter

1 future crimes, the need to protect the public, the need for
2 sentences to be consistent among similar situated defendants.
3 So, in looking at all of those factors, the District Court will
4 determine what a reasonable sentence is in this case. Do you
5 understand that?

6 MR. REED: Yes, ma'am.

7 THE COURT: All right. All right. And one aspect in
8 federal court there is not a thing such as parole in federal
9 court. Now, they have it in state court, but they don't have it
10 federal court. Do you understand that?

11 MR. REED: Yes, ma'am.

12 THE COURT: Okay. All right. I think we've come to the
13 point where we -- the factual basis for the guilty plea. So,
14 I'll ask Ms. Ragner to tell us what evidence the Government would
15 present if it went to trial.

16 MS. RAGNER: Yes, Your Honor. If this case proceeded to
17 trial, the Government anticipates it would produce evidence
18 showing that on January 23rd of 2018, that Detective Michael
19 Wells --

20 THE COURT: Did you say the 23rd or the 24th?

21 MS. RAGNER: The 23rd. The Indictment -- yes. The
22 facts start the day before the actual --

23 THE COURT: Okay.

24 MS. RAGNER: -- arrest.

25 THE COURT: All right. I'm sorry about that.

1 MS. RAGNER: Sorry.

2 THE COURT: Sorry about that. Okay.

3 MS. RAGNER: No. That's okay. On January 23rd of 2018,
4 that Detective Michael Wells with the Kansas City, Missouri
5 Police Department observed a live broadcast on the social media
6 site of Facebook by the defendant, Deleon Reed. In that live
7 broadcast the detective observed the defendant armed with a Glock
8 handgun or pistol with a high capacity extended magazine. The
9 very next day, January 24th of 2018, Detective Wells contacted
10 patrol officers to try to locate Mr. Reed. He also provided a
11 possible address for Mr. Reed of 2817 East 73rd Street here in
12 Kansas City within the Western District of Missouri. And then on
13 January 24, 2018, at approximately 2:53 p.m., patrol officers
14 drove by that residence and saw the defendant sitting in a
15 Chevrolet Malibu right in front of the residence. Officers then
16 approached the defendant, at which time he ran into the
17 residence. He later came out and was taken into custody. When
18 officers looked inside of that Malibu where the defendant had
19 been seated, they observed a revolver on the front passenger's
20 seat. In a subsequent search of the vehicle, officers found a
21 Glock, Model 23 .40 caliber pistol bearing Serial Number MAE063
22 on the slide and barrel of the firearm and WSW151 on the frame of
23 the firearm. And that firearm was located under the driver's
24 seat where the defendant had been seated. That Glock firearm was
25 loaded with a high capacity magazine. The defendant, after he

1 was taken into custody, did waive his *Miranda* rights and provided
2 a post-arrest statement admitting that he had bought the Glock
3 firearm earlier in January. Your Honor, the Government would
4 also present evidence that that firearm was not manufactured in
5 the state of Missouri and, therefore, it had affected interstate
6 commerce. The Government would also be able to establish the
7 defendant was previously convicted of a felony offense and that
8 he knew that he had previously been convicted of a felony offense
9 at the time that he was in possession of this firearm.
10 Specifically, he was on federal supervised release at the time.

11 THE COURT: All right. Thank you. Mr. Bologna, do you
12 agree that that will be the evidence the Government would present
13 in a trial?

14 MR. BOLOGNA: I do. Yes, ma'am.

15 THE COURT: All right. And, Mr. Reed, do you agree with
16 the Government's summary of what you did?

17 MR. REED: Yes, ma'am.

18 THE COURT: And did you do what she said you did?

19 MR. REED: Yes, ma'am.

20 THE COURT: All right. All right. I'm going to ask
21 you, Mr. Bologna, to question your client for the factual basis
22 for this plea.

23 MR. BOLOGNA: Mr. Reed, you've heard the summary from
24 the prosecutor, but -- so, I'll direct you to the January 23rd,
25 2018. There's a note that you had live broadcast a Facebook

1 video, is that correct?

2 MR. REED: Yes.

3 MR. BOLOGNA: Right. And in that video you were holding
4 a firearm that the prosecutor mentioned was ultimately found in
5 your car the next day, is that correct?

6 MR. REED: Yes.

7 MR. BOLOGNA: Okay. And that you heard the description
8 of that firearm, is that correct?

9 MR. REED: Yes.

10 MR. BOLOGNA: And you agree that it was a Model 23 .40-
11 caliber pistol with the Serial Numbers MAE063 and WWS151 located
12 on that firearm, is that correct?

13 MR. REED: Yes.

14 MR. BOLOGNA: All right. That gun was found -- that
15 firearm was found on January 24, 2018, inside a vehicle that you
16 were seated in, correct?

17 MR. REED: Yes.

18 MR. BOLOGNA: And it was found underneath the seat, is
19 that correct?

20 MR. REED: Yes.

21 MR. BOLOGNA: That firearm was yours, wasn't it?

22 MR. REED: Yes.

23 MR. BOLOGNA: And you knew that it was under the seat,
24 correct?

25 MR. REED: Yes.

1 MR. BOLOGNA: Judge, I don't have any other questions.

2 THE COURT: All right. And just -- and where you were
3 located on the January 24th of 2018, that was in the Western
4 District of Missouri, that was in Kansas City?

5 MR. REED: Yes. Yes, ma'am.

6 THE COURT: And do you agree that Kansas City is within
7 the Western District of Missouri?

8 MR. REED: Yes, ma'am.

9 THE COURT: All right. All right. Mr. Reed, has anyone
10 attempted in any way to force you to plead guilty here today?

11 MR. REED: No, ma'am.

12 THE COURT: Okay. And has anyone made any promises or
13 assurances of any kind to get you to plead guilty other than
14 what's contained in the Plea Agreement?

15 MR. REED: No.

16 THE COURT: Okay. And are you pleading guilty because
17 you are, in fact, guilty?

18 MR. REED: Yes, ma'am.

19 THE COURT: And are you doing this of your own free
20 will?

21 MR. REED: Yes, ma'am.

22 THE COURT: All right. So, I will specifically ask you,
23 Mr. Reed, as to the charges in the Superseding Indictment that
24 was returned here in the Western District of Missouri on October
25 the 2nd of 2019, charging you with being a felon in possession of

1 a firearm, how do you plead, guilty or not guilty?

2 MR. REED: Guilty, Your Honor.

3 THE COURT: All right. All right. So, the Court does
4 find that there is indeed a factual basis for the plea of guilty.
5 And, Mr. Reed, since you acknowledge that you are, in fact,
6 guilty as charged in the Superseding Indictment, and since you
7 know your right to a trial by jury you understand what the
8 maximum possible punishment is, and since you are knowingly and
9 voluntarily pleading guilty, I accept your guilty plea. And this
10 Court will file a Report and Recommendation with the District
11 Judge, Judge Kays, recommending an entry of judgment on your plea
12 of guilty. After that is done, a Presentence Investigation
13 Report will be done by the Probation Office, and they are here
14 today. They will talk to you about -- get information about you
15 so that the District Court has all the information that it needs
16 to make a good decision as to what a reasonable sentence would
17 be. Do you understand that?

18 MR. REED: Yes, ma'am.

19 THE COURT: All right. All right. Do you have any
20 questions about anything that we've discussed here today, Mr.
21 Reed?

22 MR. REED: No, ma'am.

23 THE COURT: All right. Anything that I've left out, Ms.
24 Ragner?

25 MS. RAGNER: No, Your Honor.

1 THE COURT: Okay. Mr. Bologna, anything that I left out
2 or --

3 MR. BOLOGNA: No, ma'am.

4 THE COURT: All right. All right. So, Mr. Reed, you'll
5 be in the custody of the Marshals Service. And so your next
6 hearing should be your sentencing before Judge Kays. All right.
7 We'll be in recess. Thank you.

8 MS. RAGNER: Thank you.

9 MR. BOLOGNA: Thank you, Judge.

10 (Court Adjourned at 2:40 p.m.)
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5 I certify that the foregoing is a correct transcript
6 from the electronic sound recording of the proceeding in the
7 above-entitled matter.

8
9 /s/ Lissa C. Whittaker
Signature of transcriber

August 26, 2020
Date

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